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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/505,336

03/21/2005

Lars Branden

1506-1075

7255

466

7590

12/15/2009

YOUNG & THOMPSON

209 Madison Street

Suite 500

Alexandria, VA 22314

EXAMINER

LU, FRANK WEI MIN

ART UNIT

PAPER NUMBER

1634

NOTIFICATION DATE

DELIVERY MODE

12/15/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/505,336	<b>Applicant(s)</b> BRANDEN ET AL.	
	<b>Examiner</b> FRANK W. LU	<b>Art Unit</b> 1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 35-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's response to the office action filed on September 15, 2009 has been entered. The claims pending in this application are claims 35-44. Rejection and/or objection not reiterated from the previous office action are hereby withdrawn in view of applicant's amendment filed on September 15, 2009.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 35-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 35 is rejected as vague and indefinite in view of step iv) because it is unclear that a molecular combination is what and BE<sub>2</sub>. Please clarify.

5. Claim 35 is rejected as vague and indefinite in view of steps v) and vi). Since, according to step v), a linker molecule (L) comprising a nucleic acid which connects T<sub>1</sub> and T<sub>2</sub> and T<sub>1</sub> and T<sub>2</sub> are not parts of L, it is unclear how FE-BE-T<sub>1</sub>-L-T<sub>2</sub>-BE-FE can be formed by reacting the linker molecule L with the molecular combination of steps i) and iv), or of steps ii) and iii) as recited in step vi). Furthermore, it is unclear that FE-BE in FE-BE-T<sub>1</sub>-L-T<sub>2</sub>-BE-FE means FE<sub>1</sub>-BE<sub>1</sub> or FE<sub>1</sub>-BE<sub>2</sub> or FE<sub>2</sub>-BE<sub>1</sub> or FE<sub>2</sub>-BE<sub>2</sub> and BE-FE in FE-BE-T<sub>1</sub>-L-T<sub>2</sub>-BE-FE means BE<sub>1</sub>-FE<sub>1</sub> or BE<sub>1</sub>-FE<sub>2</sub> or BE<sub>2</sub>-FE<sub>1</sub> or BE<sub>2</sub>-FE<sub>2</sub>. Please clarify.

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6. Claim 36 is rejected as vague and indefinite. Since the molecule complex in claim 35 does not contain the second linker molecule (l) while the molecule complex in claim 36 contains the second linker molecule (l), it is unclear why the molecule complex in claim 36 is identical to the molecule complex in claim 35. Furthermore, it is unclear FE in FE-l-BE means FE<sub>1</sub> or FE<sub>2</sub> and BE in FE-l-BE means BE<sub>1</sub> or BE<sub>2</sub>. Please clarify.
7. Claim 38 recites the limitation “the molecular combinations from the stock solutions” in the claim. There is insufficient antecedent basis for this limitation in the claim because there are no phrases “molecular combinations” and “stock solutions” in claim 35. Please clarify.
8. Claim 39 is rejected as vague and indefinite in view of step (e) because it is unclear BE in FE<sub>1</sub>-BE means BE<sub>1</sub> or BE<sub>2</sub>. Please clarify.
9. Claim 39 is rejected as vague and indefinite in view of step (f) because it is unclear BE in FE<sub>2</sub>-BE means BE<sub>1</sub> or BE<sub>2</sub>. Please clarify.
10. Claim 39 is rejected as vague and indefinite in view of step (h) because it is unclear that BE in FE<sub>1</sub>-BE and FE<sub>2</sub>-BE means BE<sub>1</sub> or BE<sub>2</sub>. Furthermore, it is unclear that BE in FE<sub>1</sub>-BE-T<sub>1</sub>-L-T<sub>2</sub>-BE-FE<sub>2</sub> means BE<sub>1</sub> or BE<sub>2</sub>. Please clarify.
11. Claim 39 is rejected as vague and indefinite in view of step (j) because it is unclear that FE-BE-T in FE-BE-T-L-T-BE-FE means FE<sub>1</sub>-BE<sub>1</sub>-T<sub>1</sub> or FE<sub>1</sub>-BE<sub>1</sub>-T<sub>2</sub> or FE<sub>1</sub>-BE<sub>2</sub>-T<sub>1</sub> or FE<sub>1</sub>-BE<sub>2</sub>-T<sub>2</sub> or FE<sub>2</sub>-BE<sub>1</sub>-T<sub>1</sub> or FE<sub>2</sub>-BE<sub>1</sub>-T<sub>2</sub> or FE<sub>2</sub>-BE<sub>2</sub>-T<sub>1</sub> or FE<sub>2</sub>-BE<sub>2</sub>-T<sub>2</sub> and T-BE-FE in FE-BE-T-L-T-BE-FE means T<sub>1</sub>-FE<sub>1</sub>-BE<sub>1</sub> or T<sub>1</sub>-FE<sub>1</sub>-BE<sub>2</sub> or T<sub>1</sub>-FE<sub>2</sub>-BE<sub>1</sub> or T<sub>1</sub>-FE<sub>2</sub>-BE<sub>2</sub> or T<sub>2</sub>-FE<sub>1</sub>-BE<sub>1</sub> or T<sub>2</sub>-FE<sub>1</sub>-BE<sub>2</sub> or T<sub>2</sub>-FE<sub>2</sub>-BE<sub>1</sub> or T<sub>2</sub>-FE<sub>2</sub>-BE<sub>2</sub>. Furthermore, it is unclear that the binding element is identical to BE<sub>1</sub> or BE<sub>2</sub>. Please clarify.

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***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. No claim is allowed.

14. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CAR § 1.6(d)). The CM Fax Center number is (571)273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Lu, Ph.D., whose telephone number is (571)272-0746. The examiner can normally be reached on Monday-Friday from 9 A.M. to 5 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Nguyen, can be reached on (571)272-0731.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frank W Lu /  
Primary Examiner, Art Unit 1634  
December 7, 2009